P16

O.F. 71.

19 37

Department of Rev

OFFICE of the Head of Rev.

STATION Madras.

1.5

Mis No. 8925

Dated 23/12/37

DESPATCHED
21 DEC 1937

Enclosure to Despr. 21/12/37

Pages in the file

(SUBJECT.)

Suits – (South Kanara) – Puttur D. M. C. – O.S No 288/36 – Kolnad mat – late Narayana Makkithaya property – Escheat – Adverse decision – Filing of appeal – Not necessary.

RP 23 R 1937 3396/37

Before the Honourable Board of Revenue

Refce B, 3396/37-1

BOARD OF REVENUE
2 SEP 1937
MADRAS

P. Shama Rao and Ors - petitioners

Subject — Land. Poromboke (South Canara) - Mangalore Taluk - Baikampadi village - S no 10/1 Reservation for rearing and cutting Kaje grass - petn.

Sirs

P. Shama Rao, one of the petitioners, begs to submit the followings facts for kind and favourable consideration

That all the documents - mentioned in the list enclosed along with the above petition were filed by the petitioners before the District Collector of South Canara and now, on the - application on behalf of the petitioners on 6-9-37 for the return of the said documents, they have been informed, as per the order annexed here to, that the same will be returned only after the dis-posal of the above appeal

Hence, it is prayed on behalf of the petitioners, that the Honourable Board may be pleased to call for the documents along with the other connected papers from the file of the District Collector South Kanara

I beg to remain, Sirs
Your most obedient servant

P. Shama Rao
one of the Petrs)

Parvambur.
Dated. 17. 9. 37

Ref.4459-37-A6. South Kanara Collector's Office

Mangalore, dated 18th Septr.1937

From

M.R.Ry. Rao Bahadur M.V.Velodi, Avl., B.A.,

Collector of South Kanara.

To

The Secretary,

Board of Revenue,

Madras.

Sir,

Land - Poramboke - South Kanara - Mangalore Taluk - Baikampady village - S.No. 10/1 - Reservation for rearing and cutting Kaje grass - petition - reported.

Refce: Board's Reference B. 3396-37-1 dated 25-8-1937.

I resubmit herewith the revision petition of P. Shama Rao and others received with the Board's reference quoted above.

2. The petitioners seek a revision of the order passed by my predecessor in R.Dis. C134-36 dated 7-6-37 ordering the continuance as such of the existing registry as Poramboke of S.No. 10/1 of Baikampady village of Mangalore Taluk and rejecting the request of the petitioners to reserve the plot exclusively for the use of the ryots of Panambur and Thannirbhavi villages for rearing and cutting grass.

3. The above plot measuring 30.65 acres was reserved for communal purposes in this office Dis.No. 130 R/1907 dated 13-4-1907 and was subsequently transferred to ------ 'Poramboke' in D.Dis. 3064 D/1911 dated 29-9-1911. This latter order, a copy of which is at page 1 of Mangalore Tahsildar's file Dis. 263 R 1911 dated 10-10-1911 has since been destroyed.

4. The petitioners urge that this plot was reserved for rearing and cutting kaje grass exclusively for the villagers of Panambur and Tannirbhavi villages in Collecti

destroyed but the subsequent documents described in paragraphs 3 (a) and (b) and 6 of the present petition make mention of this order. The documents referred to by petitioners in ---- paragraphs 3 (a), (b), (c), (e), (f) and 6 give some indication that the plot was used by the villagers of Panambur and ------- Tannirbhavi villages to the exclusion of others. Previous darkhast applications for assignment of portions of this plot were rejected on this ground as seen from the copies of orders cited under paragraph 3 (d). The judgment quoted in paragraph 3 (e) by the petitioners in support of their claim does not support the petitioners nor can it be binding on the Government as it was not made a party to it. In fact no person of the villages of Thokur and Kenjar was also made a party in the suit.

5. The plot was registered as 'Poramboke' in 1911. It was only when a resident of Tannirbhavi village failed to obtain a conviction against some of the villagers of Kenjar and Thokur villages for having removed grass from this plot in 1935 that petitioners for the first time sought the insertion of a clause in the registry that the plot was reserved for the use of these 2 villages. This was refused by Mr. Humayun in his order D.Dis. 3057-36 dated 11-8-36. The petitioners reopened the matter by another petition dated 3-11-36 and this was rejected in the order now appealed against.

6. There has been no precedent in this District where communal land has been set apart for the use of the residents of a particular village to the exclusion of others. In this particular case, the land is situated in Baikampady village and its reservation for the exclusive use of the villagers of Panambur and Tannirbhavi villages will be opposed to public policy.

7. The documents referred to in the list dated 17-7-37 received with the petition are in Huzur file R.Dis. 6134-36 dated 7-6-37.

8. I enclose herein the records noted below.

(1) Huzur file R.Dis. 139 R/1907 dated 13-4-1907.

2.3 RP 23 R 1337 3396/37

Before the Honourable Board of Revenue

BOARD OF REVENUE 24 SEP 1937 MADRAS

Refee B, 3396/37-1

P. Shama Rao and Others - petitioners.

Subject — Land - Poromboke (South Canara) - Mangalore Taluk - Baikampadi village - S no 10/1 Reservation for rearing and cutting Kaje grass - petn.

Sirs,

P. Shama Rao, one of the petitioners, begs to submit the followings facts for kind and favourable consideration

That all the documents - mentioned in the list enclosed along with the above petition were filed by the petitioners before the District Collector of South Canara and now, on the - application on behalf of the petitioners on 6-9-37 for the return of the said documents. they have been informed, as per the order annexed here to that the same will be returned only after the disposal of the above appeal

Hence, it is prayed on behalf of the petitioners that the Honourable Board may be pleased to call for the documents along with the other connected papers, from the file of the District Collector of South Kanara

I beg to remain, Sir,
Your most obedient servant.
P. Shamia Rao
(one of the Petrs.)

Panambur.
Dated. 17. 9. 37

(2) Hugur Cir. D.Dis. 3057/36 dated 11-8-36.

(3) do. R.Dis. 6134-36 dated 7-6-37.

(4) Bangalore Taluk Dis. ~~107~~ 263 R/Rev.1911 dated 10-12-11.

For Collector.

18/6/37

I.Dis. 4595-37.

M.R.Ry. Rao Bahadur M.V.Vellodi,Avl.,B.A.,
Collector of South Kanara.

Records - documents produced in R.Dis. 6134-36 - return of.

Application dated 6-9-37 from Mr. T.Srinivasa Rao, Vakil, Mangalore.

The applicant is informed that he may apply for the return of documents after the disposal of the appeal filed by P.C. Sheshappaya (one of the petitioners) before the Board of Revenue.

(By order)

South Kanara Collector's office,
Mangalore, dated 11 - 9 - 1937.

English Head Clerk.

To the applicant.

13.9.37

J. F. H C.F. 14.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..	10/11	
When signed ..		
When despatched.		

SUBJECT :— Land - Poromboke - (South Kanara) - Mangalore Taluk - Baikampadi vge - S. No. 10/1 - Reservation for rearing and cutting kaje grass - Shama Rao and others - Petition - Dismissed.

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ ALSO :—

p1 C.F. No. B 3396/3 From the P. Shama Rao and others, No. _____, dated 13-7-1937 — Q

p19 C.F. " B 4513/37 " Collr of South Kanara Rep 4459/37 A6 " 18-9-1937 — Q to collr only

" _____ " _____ " _____ " _____ 19____.

~~Order~~ / Resolution ~~Ms. / Rout~~ No. 3532, dated 15 - 11 - 1937.

The Board has perused the connected records on the subject. It sees no ground for interference on behalf of the petitioners. The petition is dismissed.

GK 13.11.37

RJ 13/11/37

RL 15/11/37

The petitioners
M. R. Ry P. Shama Rao
Panambur village
Mangalore Taluk
South Kanara Dt.

The Collr of South Kanara ⊗ with records as per list returned

RCA 22/11

⊗ List at pp 20-21 CF to be copied & sent.

Pl. ask section

No. 180

For Insurance Notices see reverse.
Stamps affixed except in case of uninsured letters not exceeding 2½ tolas or one ounce in weight or on which no acknowledgement is due.

Rs. As.

Date-stamp.

Received a registered * ——————

addressed to ——————

——————

——————

——————

* Write here "letter," "postcard," "packet," or "parcel" with the word "Insured" when necessary.

Initials of Receiving Officer.

If insured.

Insured for Rs. (in figures) ——————

(in words) ——————

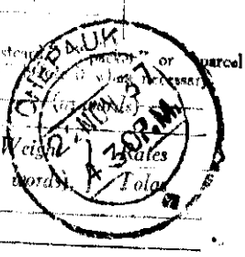
Weight ——— *Rates* ———

Insurance fee Rs. ——— *As.* ——— *(in words)* ——— *Total* ———

Name and address of sender. ——————

——————

——————



Note file

J.S (A)

A.S.(LR)
Thro' F/section
unnecessary

Land - Poramboke - (South Kanara) - Mangalore Taluk - Baikampadi village - S No. 10/1 - Reservation for rearing + cutting grass - Petn

B. 3396/37 from the petrs

To Asst. Secretary.

Please see the petn at pp 1-9 c.f.

2. No appeal lies to the Board in such cases. It may be treated as a miscellaneous petition. It is in time and has been sufficiently stamped.

3. It appears that the villagers of Jannirbhavi and Panambur in the Mangalore Taluk have long been enjoying the exclusive right to rear and cut kaje grass in S No. 10/1 (poramboke) of Baikampadi village. Interruption to the enjoyment of this right came in 1935 when some of the other villagers forcibly removed grass from it. The petrs filed a complaint in the Sub magistrate's Court. The Sub-magistrate discharged the accused and asked the petrs to seek redress in a civil court. The land being poramboke the petrs had a doubt whether the civil court will recognize their claim and therefore approached the Coll. with a request to alter the existing registry of the land. The Coll. refused to comply with their request and ordered that the existing registry of the land as poramboke should stand. The petrs now request the Board to protect

their rights by reserving the land for the rearing and cutting of kaje grass exclusively by the villagers of Tannirbhavi & Panambur and to direct the other villagers not to interfere with the land or remove grass from it.

4. It is shown in the petn that the villagers of Tannirbhavi and Panambur have been enjoying the exclusive right referred to from as long back as Fasli 1261 (85 years ago) and that Jahrs and other Revenue officers had interfered on their behalf on occasions of interruption by other villagers. It is also stated that there is no other land for the use of the petitioners in their villages. It seems therefore necessary to call for the connected records. For orders whether the Board will be inclined to call for the connected records from the Collr as well as those referred to at p/13 C.F. from the petrs

GK 13/8/37.

AL 20837. F.S.(A)

SK 14.8.37

AL 20837. Records may be called for

AL 23837

To Asstt. Secy

A.S.(L.R.)

Draft submitted.

GK 24.8.37

AL 25837.

SK 24/8/37

[P.T.O]

M1
J.S(A)
ASLR)

~~Board's Ref. No. D.I. 3674/37-38, 25-8-37~~

To Asstt. Secy.

[The notes in the previous pages need not be read]

Please see the petn at pp 1-9 C.F., the Coll'r's order at p 15 C.F., the Board's Refce at p 17 C.F., the Coll'r's report at pp 19-21 C.F. and the petn at p 23 C.F.

2. S. No. 10/1 of Baikampadi village, Mangalore Taluk measuring 39.65 acres was registered ~~in the~~ as 'assessed waste dry' and it was reserved for the common use of the villagers in Coll'r's R. Dis, 139. R/1907 dt 13-4-07. It was transferred to Poromboke in Coll'r's Dis No. 3064 D Rev II dt 29-9-1911. It stands now registered as "Poromboke - place where Kaje® grass grows". It appears that the wargdars of Tannirbhavi and Panambur villages have long been enjoying the exclusive right to rear and cut Kaje grass in this plot of land. The neighbouring villagers began to trespass on this right and cut ~~Kaje~~ Kaje grass. In June 1936 the petrs, who are the wargdars of Tannirbhavi and Panambur villages, approached the Coll'r with the request that the land may be registered in the Revenue records as "Poromboke for rearing and

® grass used chiefly as manure.

cutting Kaje grass exclusively for the wargdars of Panambuvu & Jannirkhair villages". The Collr refused to comply with their request in his D. Dis 3057/36 D/ 11-8-36. The petrs wanted to seek redress in a civil court. The land being poromboke they had a doubt whether their right would be recognized by a civil court. So they again approached the Collr in Nov. 1936 and reiterated their request. The Collr in his R Dis No. 6134/36 D/7-6-37 ordered that the existing registry of the plot as poromboke should stand. Against this order the petrs have now come up to the Board.

3. The contentions in the petn are the same as those put forth by them before the Collr. Para 4 of the collr's letter at pp 19-20 C.F. deals with these contentions. The point for consideration is whether a particular plot of land at the disposal of the Govt in one village can be reserved for the exclusive use of the residents of another village, entry to that effect being made in the Revenue accounts. In the present case it is seen from the records that the wargdars of Jannirkhair & Panambuvu villages have long been enjoying the exclusive right of ~~cutting~~ reaping and cutting Kaje grass in S No. 10/1 of Baikampadi village. It is also seen that the wargdars of these two

villages have practically no manure-growing lands in their villages, while there are sufficient dry lands in Baikampadi village for growing manure-leaves as well as lands where kaje grass grows. The Collr. observes that there is no precedent in his district where a plot of land has been set apart for the use of the residents of a particular village to the exclusion of others and that in the present case the land in question is situated in Baikampadi and that its reservation for the exclusive use of the wargdars of Tannirbhavi & Panambur villages will be opposed to public policy. His view seems to be acceptable. In these circumstances it is for orders whether the Board may decline ~~will be inclined~~ to interfere on behalf of the petrs.

Such a right as the petrs claim cannot be created or recognized by an entry in the Revenue Accounts.
Petition dismissed
12.5.38

The petitioners' request for the exclusive use of the Parambokke land by the ryots of two villages alone is untenable. The petition may be dismissed.

6.11.37
8.11.37

6/11/37

T.S. (A.)
11.11.37

A.S(LR)

To Asstt. Secy.

Draft Submitted.
15/11/37

13.11.37
13.11.37